

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Henry E. C.,

Case No. 24-cv-1849 (KMM/TNL)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Martin J. O'Malley, Commissioner of the
Social Security Administration,

Defendant.

In a letter dated May 17, 2024, the Clerk of Court informed plaintiff Henry E. C. that he would be required to pay the filing fee for this matter or apply for *in forma pauperis* (“IFP”) status. *See* Dkt. No. 2. Henry E. C. was warned that this matter could be dismissed if the filing fee was not paid or an IFP application not submitted within 15 days. *See id.*

That deadline has now passed, and Henry E. C. still has not paid the filing fee for this matter or applied for IFP status. Accordingly, this Court now recommends, consistent with the warning previously given to Henry E. C., that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT
PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: June 18, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

Henry E. C. v. O'Malley
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NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).